

SENATE No. 02329

Senate, June 27, 2012 – Report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment to the House Bill financing improvements to the Commonwealth's transportation system (House, No. 4000, amended) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2220

For the Committee:

Thomas M. McGee	William M. Straus
Brian A. Joyce	Antonio F.D. Cabral
Robert A. Hedlund	Peter Durant

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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An Act financing improvements to the Commonwealth's transportation system.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for a program of transportation development and improvements, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. To provide for a program of transportation development and
2 improvements, the sum set forth in section 2, for the several purposes and subject to the
3 conditions specified in this act, is hereby made available, subject to the laws regulating the

4 disbursement of public funds. The sum appropriated in this act shall be in addition to any
5 amounts previously appropriated and made available for these purposes.

6 SECTION 2.

7 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

8 Highway Division

9 6122-1223 For the construction and reconstruction of town and county ways as
10 described in clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws;
11 provided, however, that a city or town shall comply with the procedures established by the
12 Massachusetts Department of Transportation; provided further, that a city or town may
13 appropriate for these projects amounts not in excess of the amount provided to the city or town
14 under this item, preliminary notice of which shall be provided by the department to the city or
15 town not later than April 1 of each year; provided, further, that the appropriation shall be
16 considered as an available fund upon approval of the commissioner of revenue under section 23
17 of chapter 59 of the General Laws; and provided, further, that the commonwealth shall reimburse
18 a city or town under this item, subject to the availability of funds as provided in section 9B of
19 chapter 29 of the General Laws, within 30 days after receipt by the department of a request for
20 reimbursement from the city or town, which request shall include certification by the city or
21 town that actual expenses have been incurred on projects eligible for reimbursement under this
22 item and that the work has been completed to the satisfaction of the city or town according to the
23 specifications of the project and in compliance with applicable laws and procedures established
24 by the department.....\$200,000,000

25 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state
26 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
27 amount to be specified by the governor from time to time but not exceeding, in the aggregate, the
28 sum of \$200,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on
29 their face, Town and County Ways, Act of 2012, and shall be issued for a maximum term of
30 years, not exceeding 30 years, as the governor may recommend to the general court under
31 Section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all
32 such bonds shall be payable not later than June 30, 2047. All interest and payments on account of
33 principal on these obligations shall be payable from the General Fund. Notwithstanding any
34 other general or special law to the contrary, bonds and interest thereon issued under this section
35 shall be general obligations of the commonwealth.

36 SECTION 4. Notwithstanding any general or special law to the contrary, all construction
37 contracts funded in whole or in part by the funds authorized in this act shall include a price
38 adjustment clause for each of the following: fuel, both diesel and gasoline; asphalt; concrete; and
39 steel. A base price for each material shall be set by the awarding authority or agency and
40 included in the bid documents at the time a project is advertised. The awarding authority or
41 agency shall also identify in the bid documents the price index to be used for each material and
42 supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly
43 basis when the monthly cost change exceeds plus or minus 5 per cent.